

## **REMARKS**

Applicant is in receipt of the Office Action mailed February 14, 2008. Claims 1, 4, 6, and 8-30 are pending in the case. Reconsideration of the present case is earnestly requested in light of the following remarks.

### **37 CFR 1.132 Declaration**

Applicant has submitted herewith a 37 CFR 1.132 Declaration regarding Ghercioiu et al. (US Pat. Pub. 2004/0010734, “Ghercioiu”), stating that any invention disclosed but not claimed in that reference was derived from the inventor(s) of the present application and is thus not an invention “by another”.

### **Section 102 Rejections**

Claims 1, 4, 6, and 8-30 were rejected under 35 U.S.C. 102(e) as being anticipated by Ghercioiu et al. (US Pat. Pub. 2004/0010734, “Ghercioiu”).

Applicant respectfully submits that per the 37 CFR 1.132 Declaration regarding Ghercioiu, any invention disclosed by not claimed in that reference was derived from the inventor(s) of the present application and is thus not an invention “by another”, as required for a 102(e) rejection. Thus, Applicant respectfully submits that the section 102(e) rejection with respect to Ghercioiu is rendered moot.

Thus, for at least this reason, Applicant submits that claims 1, 4, 6, and 8-30 are patentably distinct and non-obvious over Ghercioiu, and are thus allowable.

Removal of the section 102 rejection of claims 1, 4, 6, and 8-30 is earnestly requested.

## **CONCLUSION**

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5150-80501/JCH.

Also filed herewith are the following items:

- ☒ 37 CFR 1.132 Declaration
- ☐ Terminal Disclaimer
- ☐ Power of Attorney By Assignee and Revocation of Previous Powers
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,

/Jeffrey C. Hood/  
Jeffrey C. Hood, Reg. #35198  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8800  
Date: 2008-05-02 JCH/MSW